

Senate File 460 - Reprinted

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO SSB 1071)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to providing an appeal process for certain
2 medical assistance providers and child care providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 SF 460
5 pf/cc/26

PAG LIN

1 1 Section 1. NEW SECTION. 217.41B PROVIDER APPEALS ==
2 FINAL DECISION.
1 3 1. a. Notwithstanding any conflicting provision of
1 4 chapter 17A, when an administrative law judge, assigned by the
1 5 division of administrative hearings in accordance with the
1 6 provisions of section 10A.801, is the presiding officer at a
1 7 provider appeal hearing as described in subsection 2, the
1 8 administrative law judge shall make a proposed decision that
1 9 shall include findings of fact and conclusions of law,
1 10 separately stated.
1 11 b. When the presiding officer makes a proposed decision,
1 12 that decision then becomes the final decision of the
1 13 department, and shall meet the requirements of a final
1 14 decision pursuant to section 17A.16, without further
1 15 proceedings, unless there is an appeal to, or review on motion
1 16 of, the department within the time provided by rule.
1 17 c. On appeal or review of the proposed decision, the
1 18 department may only reject or modify the presiding officer's
1 19 findings of fact and conclusions of law if the department
1 20 states, with particularity, the department's reasons for
1 21 rejecting or modifying each finding of fact and conclusion of
1 22 law.
1 23 (1) The department may only reject or modify findings of
1 24 fact if the department first determines from a review of the
1 25 entire record, and states with particularity in the order,
1 26 that the findings of fact were clearly erroneous in view of
1 27 the reliable, probative, and substantial evidence on the
1 28 record as a whole, or that the proceedings on which the
1 29 findings were based did not comply with the essential
1 30 requirements of law.
1 31 (2) The department may only reject or modify the
1 32 conclusions of law if the department first determines from a
1 33 review of the entire record, and states with particularity in
1 34 the order, that the conclusions of law were clearly erroneous
1 35 in view of the reliable, probative, and substantial evidence
2 1 on the record as a whole.
2 2 (3) Rejection or modification of conclusions of law shall
2 3 not form the basis for rejection or modification of findings
2 4 of fact.
2 5 d. A party to a provider appeal hearing as described in
2 6 subsection 2 may file a request for rehearing pursuant to
2 7 section 17A.16.
2 8 e. A party who is aggrieved or adversely affected by a
2 9 final decision under this section is entitled to judicial
2 10 review as provided in section 17A.19.
2 11 2. A provider appeal hearing shall be available to a
2 12 provider, if any of the following conditions, which
2 13 constitutes a contested case, is met:
2 14 a. The provider's license, certification, registration,
2 15 approval, or accreditation has been denied or revoked or has
2 16 not been acted upon in a timely manner.
2 17 b. The provider's claim for payment or request for prior
2 18 authorization for payment has been denied.

2 19 c. The provider's contract as a medical assistance patient
2 20 manager has been terminated.
2 21 d. The provider has been notified that an overpayment has
2 22 been established and repayment is requested.
2 23 e. The provider has been notified that the reconsideration
2 24 process has been exhausted and the provider is not satisfied
2 25 with the result.
2 26 f. The provider's claim for payment was not made according
2 27 to department policy.
2 28 g. The provider's application for a child care quality
2 29 rating has not been acted upon in a timely manner, the
2 30 provider disagrees with the department's quality rating
2 31 decision, or the provider's certificate of quality rating has
2 32 been revoked.
2 33 3. For purposes of this subsection, "provider" means
2 34 provider as defined in section 249A.2 or a provider of child
2 35 care as defined in section 237A.1.
3 1 SF 460
3 2 pf/cc/26